

立法會
Legislative Council

LC Paper No. CB(2)2595/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 25th meeting
held on Wednesday, 22 May 2002 at 8:30 am
in Conference Room A of the Legislative Council Building

Members Present : Hon James TO Kun-sun (Chairman)
Hon Fred LI Wah-ming, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Dr Hon David CHU Yu-lin, JP
Hon Michael MAK Kwok-fung

Public Officers Attending : Security Bureau
Mrs Jennie CHOK
Deputy Secretary for Security
Miss Peggy LAU
Chief Assistant Secretary for Security
Department of Justice
Ms Monica LAW
Senior Assistant Law Draftsman

Ms Francoise LAM
Government Counsel

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Buildings Department

Mr MO Kim-ming
Assistant Director/New Buildings (1)

Home Affairs Department

Mr TANG Hung-ki
Chief Officer (Licensing Authority)

Food and Environmental Hygiene Department

Mr WONG Siu-wing
Acting Assistant Director (Operations) 1

Hong Kong Police Force

Mr WONG Che-kwong, Roger
Superintendent (Licensing)

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Joanne MAK
Senior Assistant Secretary (2) 2

I. Meeting with the Administration

(The Bill and LC Paper Nos. CB(2) 1746/01-02(01) & (02), CB(2) 1891/01-02(01) and CB(2) 2007/01-02(01))

The Committee deliberated (index of proceedings attached at **Annex A**).

2. The Administration agreed to move the following additional Committee Stage amendments -

- (a) to delete clause 10(v);
- (b) to specify that clause 14(1)(a), (b) and (c) were applicable to karaoke establishments (KEs) which operated without a licence or permit during the transitional period as provided under clause 3(3). In respect of KEs to which licences or permits had been issued or granted, clause 14(1)(a) and (b) would not apply and clause 14(1)(c) would be amended to include licensing conditions;
- (c) to amend clause 18 to provide that the service of notice of intention to apply for a closure order would be by registered post addressed to the last known place of business or residence of the person to be served, and by posting the same upon a conspicuous part of the premises concerned. Provided that the two modes of service had been employed, it would be deemed a good service of the notice even if the notice sent by registered post was returned/undelivered;
- (d) to amend clause 15 to the effect that,
 - (i) if at the date of making of the closure order, any part of the premises was used for human habitation, the closure order would not operate to prevent such habitation in that part; and
 - (ii) the closure order would not operate to affect the use of any common area in any building or public place so as to cause obstruction to public passage or fire escape.

3. The Administration also agreed to give the following undertakings when the Second Reading debate on the Bill was resumed -

- (a) the licensing authority would only revoke the licence or permit of a KE on the basis that the KE was no longer located in an area suitable for the operation of KE in extreme cases and on very rare occasions; and

- (b) the Administration would not serve a notice under clause 14(1) on a person who was not a person being the "operator, keeper, manager or otherwise having control of the KE", and that "person being operator, keeper, manager or otherwise having control..." referred to a person of significant responsibility in respect of the operation of the KE and was of a supervisory class.

4. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -

- (a) On clause 13,
 - (i) to explain the purpose of the reference to "or to any other activity in respect of the karaoke establishment" in clause 13(1)(ii);
 - (ii) to consider drawing up specific internal guidelines for reference of the Police on the seizure of articles under clause 13(1)(iii);
 - (iii) to consider Mr Tommy CHEUNG's suggestion that clause 13(1)(iii) should be amended to stipulate that the Police would exercise the powers of seizure in "a cautious and reasonable manner" and they would only take away items "of sufficient number or quantity and of relevance to the alleged offences"; and
 - (iv) also to consider Mr Tommy CHEUNG's suggestion of deleting "or is evidence of a ground for the revocation or suspension of a permit or a licence granted or issued in respect of a karaoke establishment" in clause 13(1)(iii).
- (b) On clause 19, to consider,
 - (i) deleting "unless the owner of the apparatus, equipment or any other article, satisfies the court that there is special and exceptional reason not to order forfeiture, such as that the apparatus, equipment or other article had been stolen and the theft reported to the police as soon as practicable; but ownership of itself of any apparatus, equipment or other article by a person other than the person convicted or financial hardship to any person shall not be special and exceptional reason"; and
 - (ii) the Assistant Legal Adviser's suggestion of making

reference to section 102 of the Criminal Procedure Ordinance (Cap.221) when reviewing clause 19.

II. Date of next meeting

5. The next meeting would be held at 10:45 am on 29 May 2002.
6. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
15 July 2002

Annex A

**Bills Committee on Karaoke Establishments Bill
Meeting on Wednesday, 22 May 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000328	Chairman	Internal instructions on the seizure of articles under existing Ordinances (Item 4(ii) of LC Paper No.CB(2)1746/01-02(01) and item 3 of LC Paper No.CB(2)2007/01-02(01))	
000328 - 000347	Administration	Ditto	
000347 - 000446	Chairman	Ditto	
000446 - 000622	Administration	Ditto	
000622 - 000717	Ms Audrey EU Yuet-mee	Meaning of the reference to "or to any other activity in respect of the karaoke establishment" in clause 13(1)(ii)	
000717 - 000739	Administration	Ditto	Adm (para. 5(a)(i))
000739 - 000753	Chairman	Ditto	
000753 - 000759	Administration	Ditto	
000759 - 001052	Mr Tommy CHEUNG Yu-yan	Ditto	
001052 - 001247	Chairman	Ways to restrict the power of seizure of articles exercised by the Police under clause 13(1)(iii)	
001247 - 001325	Mr Tommy CHEUNG Yu-yan	Ditto	
001325 - 001335	Chairman	Ditto	
001335 - 001418	Mr Tommy CHEUNG Yu-yan	Ditto	
001418 - 001623	Ms Audrey EU Yuet-mee	Clause 19 - forfeiture of apparatus and equipment used for karaoke	

001623 - 001912	Administration	Ditto	
001912 - 001942	Ms Audrey EU Yuet-mee	Ditto	
001942 - 002045	Mr Andrew WONG Wang-fat	Ditto	
002045 - 002057	Ms Audrey EU Yuet-mee	Ditto	
002057 - 002121	Administration	Ditto	
002121 - 002148	Chairman	Ditto	
002148 - 002246	ALA	Interpretation of the word "may" in clause 19 and the difference between this clause and other similar provisions in existing Ordinances	
002246 - 002304	Chairman	Ditto	
002304 - 002331	Administration	Ditto	
002331 - 002359	Chairman	Ditto	
002359 - 002422	ALA	General considerations of the court in ordering forfeiture of articles in past court cases	
002422 - 002430	Chairman	Ditto	
002430 - 002507	ALA	Ditto	
002507 - 002513	Chairman	Ditto	
002513 - 002632	Ms Audrey EU Yuet-mee	Ditto	
002632 - 002708	Chairman	Ditto	
002708 - 002741	Mr Tommy CHEUNG Yu-yan	Ditto	
002741 - 002751	Chairman	Ditto	
002751 - 002923	Administration	Ditto	Adm (para. 5(b)(i))
002923 - 003013	Mr Andrew WONG Wang-fat	Ditto	

003013 - 003023	Chairman	Ditto	
003023 - 003130	Mr Andrew WONG Wang-fat	Ditto	
003130 - 003320	ALA	Ditto	
003320 - 003349	Chairman	Ditto	
003349 - 003428	Mr Andrew WONG Wang-fat	Ditto	
003428 - 003529	Administration	Ditto	
003529 - 003547	Mr Andrew WONG Wang-fat	Ditto	
003547 - 003711	Chairman	Ditto	
003711 - 003929	Administration	Section 50(6) and (7) of the Police Force Ordinance	
003929 - 003948	Chairman	Ditto	
003948 - 004024	Administration	Ditto	
004024 - 004111	Chairman	Ditto	
004111 - 004317	Administration	Ditto	
004317 - 004441	Chairman	Ditto	
004441 - 004535	Administration	Ditto	Adm (para. 5(a)(ii))
004535 - 004700	Mr Andrew WONG Wang-fat and Chairman	Ditto	
004700 - 004716	Chairman	Ditto	
004716 - 004829	Administration	Purpose of empowering the Police to seize articles under clause 13(1)(iii)	
004829 - 004841	Mr Andrew WONG Wang-fat	Ditto	
004841 - 004914	Administration	Ditto	
004914 - 005025	Mr Andrew WONG Wang-fat	Ditto	
005025 - 005041	Chairman	Ditto	

005041 - 005047	Mr Andrew WONG Wang-fat	Ditto	
005047 - 005059	Chairman	Ditto	
005059 - 005119	Mr Andrew WONG Wang-fat	Ditto	
005119 - 005406	Mr Tommy CHEUNG Yu- yan	Ditto	
005406 - 005429	Chairman	Ditto	
005429 - 005829	Mr Tommy CHEUNG Yu- yan	Ditto	
005829 - 005920	Chairman	Ditto	
005920 - 010031	Mr Tommy CHEUNG Yu- yan	Ditto	Adm (para. 5(a)(iii))
010031 - 010048	Chairman	Ditto	
010048 - 010158	Administration	Ditto	
010158 - 010459	Chairman	ALA's suggestion of making reference to section 102 of the Criminal Procedure Ordinance (Cap.221) when reviewing clause 19	Adm (para. 5(b)(ii))
010459 - 010610	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
010610 - 010620	Chairman	Ditto	
010620 - 010739	Mr Tommy CHEUNG Yu- yan	Ditto	Adm (para. 5(a)(iv))
010739 - 010816	Chairman	Ditto	
010816 - 010943	Mr Andrew WONG Wang-fat	Ditto	
010943 - 011040	Administration	Ditto	
011040 - 011055	Mr Andrew WONG Wang-fat	Ditto	
011055 - 011131	Administration	Ditto	
011131 - 011203	Chairman	Clause 10(iv) (Item 1(i) of LC Paper No. CB(2)1746/01-02(02))	

013013 - 013050	Administration	Ditto	
013050 - 013053	Chairman	Ditto	
013053 - 013119	Administration	Ditto	
013119 - 013127	Chairman	Ditto	
013127 - 013333	Mr Tommy CHEUNG Yu- yan	Ditto	
013333 - 013347	Chairman	Ditto	
013347 - 013419	Administration	Ditto	
013419 - 013526	Mr Tommy CHEUNG Yu- yan	Modes of service of notices in respect of cases of non-renewal of licence	
013526 - 013652	Chairman	Ditto	
013652 - 013705	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
013705 - 014004	Administration	Ditto	
014004 - 014041	Mr Andrew WONG Wang-fat	Recorded delivery	
014041 - 014055	Administration	Ditto	
014055 - 014110	Chairman	Ditto	
014110 - 014157	Mr Andrew WONG Wang-fat	Ditto	
014157 - 014214	Chairman	Ditto	
014214 - 014229	Administration	Ditto	
014229 - 014237	Chairman	Ditto	
014237 - 014242	Mr Andrew WONG Wang-fat	Ditto	
014242 - 014246	Chairman	Ditto	
014246 - 014309	Mr Andrew WONG Wang-fat	Ditto	
014309 - 014317	Chairman	Ditto	

014317 - 014420	Mr Tommy CHEUNG Yu-yan	Ditto	
014420 - 014439	Chairman	Ditto	
014439 - 014528	Mr Tommy CHEUNG Yu-yan	Ditto	
014528 - 014603	Administration	Ditto	Adm (para. 3(c))
014603 - 014617	Mr Tommy CHEUNG Yu-yan	Ditto	
014617 - 014629	Chairman	Ditto	
014629 - 014633	Administration	Ditto	
014633 - 014647	Chairman	Ditto	
014647 - 014732	Mr Tommy CHEUNG Yu-yan	Ditto	
014732 - 014807	Administration	Ditto	
014807 - 014816	Chairman	Ditto	
014816 - 014822	Mr Tommy CHEUNG Yu-yan	Ditto	
014822 - 014840	Chairman	Ditto	
014840 - 014859	Administration	Ditto	
014859 - 014929	Chairman, Mr Tommy CHEUNG Yu-yan and Administration	Ditto	
014929 - 015130	Administration	Amending clause 15 to stipulate that the closure order would not operate to prevent human habitation on the premises concerned or to affect the use of any common area in any building or public place so as to cause obstruction to public passage or fire escape (Item 1(i)&(ii) of LC Paper No. CB(2)2007/01-02(01))	Adm (para. 3(d))
015130 - 015221	Mr Andrew WONG Wang-fat	Ditto	

015221 - 015259	Administration	Ditto	
015259 - 015402	Chairman	Date of next meeting	

Council Business Division 2
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15 July 2002